

To provide adequate notice to creditors and parties in interest, a motion to compromise and settle should include the following information:

- (a) A brief description of the type of action being settled, including the names of the parties, the date the claim for relief arose and whether a lawsuit has been filed, and, if a lawsuit has been filed, the name of the court and the case number;
- (b) The name of Debtor's or Trustee's special counsel, the date the order approving employment of special counsel was entered, and reference to the date special counsel's application for compensation has been or will be filed;<sup>1</sup>
- (c) The total amount of the settlement and an itemized accounting of the proposed distribution of the proceeds of the settlement. For example:

Total amount of settlement	\$25,000
Attorneys fees	7,500
Expenses [itemize here unless separately itemized in special counsel's application for compensation]	367
Payments to medical providers [specify such <b>providers by name</b> and amount]	2,333
Amount to be paid to Trustee	9,600
Amount to be retained by Debtor (Specify in the motion the grounds for Debtor to retain any sums; e.g., exemption, that amount paid the Trustee will pay all creditors in the case in full, etc.)	5,200

- (d) Any other information necessary to enable creditors and the Trustee to evaluate the proposed settlement.

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<sup>1</sup> As notice of the hearing on application for compensation must be served upon the same parties who will be served with the motion to compromise, and as any motion for compromise which includes a proposed disbursement of attorneys fees is premature until the application for compensation is filed, it is usually most efficient to file the motion for compromise and the application for compensation contemporaneously so that hearing on both may be scheduled for the same time.

***Below is Judge Murphy's preferred form for a notice regarding a proposed compromise and settlement. This is NOT a fill-in-the-blank form. Allege all facts necessary to enable creditors to make a reasoned decision about whether the proposed settlement is objectionable.***

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER \_\_\_\_  
 )  
DEBTOR NAME, ) CASE NO. \_\_\_\_\_ - MHM  
 )  
Debtor. )

**ORDER AND NOTICE OF COMPROMISE AND SETTLEMENT  
AND COMPENSATION TO SPECIAL COUNSEL**

On [date], Debtor filed a motion for approval of compromise and settlement of an action pending in the State Court of Gwinnett County, Georgia, Civil Action File No. 07-C-15787-6, *Laura Brewer v. Matthew Kimble* (the "Action") for the amount of \$3,500.00 (Doc. No. #) ("Compromise Motion"). Debtor proposes the following disbursement of the settlement proceeds:

Attorneys fees:	\$ 1,400.00
Expenses of litigation:	
Montlick & Associates	141.59
Gerry Carty	
Filing fee	105.00
Mail expenses	20.00
Retained by Debtor for outstanding medical expenses:	1,853.00

Special counsel filed an application for compensation in the amount of \$1,400.00 fees and \$246.59 reimbursable expenses to be paid from the settlement proceeds. The motion to approve the settlement and the application for compensation is available for

review in the Clerk's Office, United States Bankruptcy Court, during normal business hours or online at <http://ecf.ganb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users). Accordingly, it is hereby

**ORDERED** and **NOTICE IS HEREBY GIVEN** that any person who objects to the approval of the Compromise Motion:

1. **Must file** a written objection, stating the grounds therefor, on or before the close of business<sup>1</sup> \_\_\_[leave blank for Clerk to fill in]\_\_\_\_, 20\_\_\_, with the

Clerk, U. S. Bankruptcy Court  
1340 U. S. Courthouse  
75 Spring Street, S.W.  
Atlanta, GA 30303-3367;

2. **Must serve** a copy of said objection so that such written objection is received on or before \_\_\_[leave blank for Clerk to fill in] \_\_\_\_\_, 20\_\_\_, upon [special] counsel for [Debtor or Trustee]:

Special Counsel Name  
Special Counsel Address  
City, State ZIP

and

3. **Must advocate** the objection at the hearing on the Motion.

If any objection is filed, hearing on the Motion will be held before the undersigned in Courtroom 1204, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303, on \_\_\_[leave blank] \_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

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<sup>1</sup> Objections filed electronically may be filed up to 11:59:59 p.m. All other objections must be filed by delivery to the Clerk's Office at or before 4:00 p.m.

**Any objection not timely filed, served, and advocated at the hearing set above shall be deemed waived. If no objection is filed as set forth above, the Motion shall thereupon stand APPROVED without further notice or hearing.** It is further

**ORDERED** that [special] counsel shall serve a copy of this Order and Notice upon Debtor, the Chapter 13 Trustee, the U.S. Trustee, and all creditors and parties in interest on or before \_\_\_[leave blank] \_\_\_\_, 20\_\_\_, and shall file a certificate of such service within three days thereafter.

**IT IS SO ORDERED**, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.

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MARGARET H. MURPHY  
UNITED STATES BANKRUPTCY JUDGE